



Division of
Enforcement

COMMODITY FUTURES TRADING COMMISSION

Ted Weiss Federal Office Building
290 Broadway, Suite 600
New York, NY 10007
Telephone: (646) 746-9700
www.cftc.gov

April 18, 2023

VIA ECF

The Honorable J. Paul Oetken
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2101
New York, NY 10007

Re: CFTC v. Archegos Capital Management, LP, et al., No. 22 Civ 3401 (JPO) (S.D.N.Y.)

Dear Judge Oetken:

Plaintiff Commodity Futures Trading Commission (“CFTC”) respectfully writes in response to the motion by a non-party, the Securities and Exchange Commission (“SEC”) (DE 75), in which the SEC requests leave to file an amicus brief in connection with defendants’ motions to dismiss the Amended Complaint. The CFTC takes no position on the SEC’s request to file an amicus brief; however, the CFTC disagrees with certain of the arguments contained in the SEC’s proposed brief (DE 75-1). If the Court is inclined to grant the SEC’s request by accepting and considering the SEC’s proposed brief, the CFTC respectfully requests permission to file a response by April 28, 2023.

Respectfully submitted,

/s/ Jacob W. Mermelstein

Jacob W. Mermelstein

Trial Attorney

Commodity Futures Trading Commission

Counsel for Plaintiff CFTC